

REMARKS/ARGUMENTS

Claims 3-8, and 13-19 are in the application, with claims 1, 2 and 9-12 having been cancelled, claims 3-8 having been withdrawn, and claims 13-19 having been newly submitted.

New independent claim 13 includes the limitations of original elected claims 1 and 2 with clarification of elements of the sterilization apparatus whereby the sterilization is effected by elements within the sterilization chamber and cooling with elements outside of the sterilization chamber. The apparatus is configured to move the item outside of the chamber after it has been sterilized and the item is cooled outside the chamber by elements of the apparatus.

Claim 13 requires a fluid supply member as part of the moving element, which moves the item to be sterilized into and out of the chamber. The fluid supply member supplies the cooling fluid outside of the chamber. As a result, with the claimed apparatus, continued efficiency of the apparatus is enhanced with the degree of sterilization heating being minimized, since the chamber is not cooled with the sterilized item and cooling is more than with ambient air.

New claim 14 specifies that the fluid supply member is part of the container, which contains the item during sterilization and cooling. The fluid supply member provides fluid for both the sterilization within the chamber and cooling of the item outside of the chamber.

New claim 15 specifies that the apparatus is configured to cool the item outside of the chamber without cooling of the chamber.

New claims 16 and 17 are methods directly related to the operational functions of the apparatus of claims 13 and 14, respectively, and raise no new issues for examination. Claims 18 and 19, dependent thereon, specify that the sterilized item is an endoscope.

Original claims 1, 2 and 11-12 were rejected under 35 USC 103(a) as being unpatentable over McPhail (WO 00/59553) in view of Helmut Herz (DE 197 24 133), claim 10 was rejected under 35 USC 103(a) as being unpatentable over McPhail (WO 00/59553) in view of Cope et al. (US Patent No. 3,716,961). Claim 9 was rejected under 35 USC 102(b) as being anticipated by McPhail (WO 00/59553). In applying all of the rejections, the Examiner considered the cooling of cassette 28 with the apparatus as shown in Figure 8 of McPhail, as meeting the claim limitation of original claim 1 of "...a cooling mechanism which cools the material sterilized in the chamber, in a state isolated thermally from the inside of the chamber...". The Examiner considered the items being sterilized within sealed cassette 28 of McPhail as being thermally

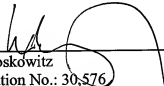
isolated from the sterilization chamber 4. Cooling the items within the cassette while in the chamber was construed as literally meeting the requirement of thermal isolation. The Examiner also considered McPhail (with respect to original claim 2) to provide outside cooling when the item is placed on the inner surface of door 6 with simple ambient cooling.

In response thereto, new claims 13 and 14 require that the apparatus be configured such that the sterilized item is moved outside of the sterilization chamber by a moving element and is cooled outside of the chamber by a cooling fluid supply member which is part of the moving element (claim 13) or part of the container holding the sterilized item (claim 14). In claim 14, the fluid supply member also supplies both the fluid for sterilization and for cooling. Since McPhail does not disclose, teach or even remotely suggest outside cooling with a fluid supply member there is no element which supplies fluid for cooling outside of the chamber, even in combination with the Helmut Herz reference (which, at most, as understood, only discloses a simple removal of the an item from a sterilization mechanism without cooling operations). The new method claims 16 and 17 mirror the apparatus in terms of operation and since McPhail does not disclose, teach or suggest the cooling with a supplied fluid outside of the sterilization chamber such claims are similarly allowable. Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

It is submitted that in view of the submission of the new claims 13-19 with the limitations, as discussed above, the claims are patentable over the cited prior art and are in condition for allowance and such favorable action is accordingly respectfully solicited.

THIS CORRESPONDENCE IS
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Respectfully submitted,



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